

REMARKS

The Office Action dated August 25, 2003 has been received and carefully noted. The above amendments to claims 1, 12 and 18 and the cancellation of claims 5 and 16, and the following remarks, are submitted as a full and complete response thereto. Claims 1, 12 and 18 are amended to more particularly point out and claims the subject invention. No new matter has been added.

Claims 1-4, 6-15 and 17-23 are pending in the above-cited application and have been examined. In the Office Action, claims 1, 12 and 18 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement of that section. Specifically, the Office alleged that the limitation “wherein a first collocated node includes two or more discrete nodes sharing a transmitter to communicate with one or more of the non-collocated nodes” found in claim 1, with similar limitations in claims 12 and 18, is not taught by the application. Applicants have amended claims 1, 12 and 18 to remove the indicated subject matter and Applicants respectfully assert that the rejection of those claims is now moot. Reconsideration and withdrawal of the above rejection are respectfully requested.

The claims were also rejected over several prior art references. Claims 1, 2, 6-13, 17 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Meier* ‘436 (U.S. Patent No. 5,394,436) in view of *Shepard* (U.S. Patent No. 5,682,382) and *Meier* ‘619 (U.S. Patent No. 5,748,619). Claims 3-5 and 14-16 were rejected under 35 U.S.C.

§103(a) as being unpatentable over *Meier '436* in view of *Shepard, Meier '619* and *Aaronson et al.* (U.S. Patent No. 6,363,062). Claims 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Meier '436* in view of *Shepard, Meier '619* and *Meier '031* (U.S. Patent No. 5,673,031). Claims 21 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Meier '436* in view of *Shepard, Meier '619, Meier '031* and *Aaronson et al.* In response to these rejections, Applicants respectfully traverse the rejections as might be applied against the amended claims.

The Office Action cites *Meier '436* as disclosing an RF communications system having both non-collocated and collocated nodes, both capable of receiving and transmitting transmissions on separate interfaces. The nodes exchange scheduling information, but that information is not disclosed to contain when and in what order the transmissions may occur. *Shepard* is also cited for its alleged disclosure of a decentralized channel management for providing collision-free packet transfer. With respect to the rejection of claims 5 and 16, the Office specifically cites *Meier '436* as teaching some of the elements of claim 5 and acknowledges that the combination of references *Meier '436, Shepard* and *Meier '619* fails to disclose time slots and data channels in which new links can be reserved and on which nodes will be listening.

The Office alleges that since *Meier '436* teaches that the schedule packet includes an indication of all known nodes, including those within a 2-hop neighborhood of a previous node, one element of claim 5 is taught. Additionally, the Office alleges that the incoming and outgoing collision-free links of the previous node are provided by the

spanning tree. However, the section of *Meier '436* cited (column 12, line 54 – column 13, line 27), does not disclose such a set of information. Claim 1 recites, in part, “an indication of all known nodes in the two-hop neighborhood of the first node [and] incoming and outgoing collision-free links of the first node that are already scheduled.” The schedule packet only provides a source address and a detached-node list with respect to that node, not the information recited in the claim. While the Office appears to indicate that such information could potentially be derived from the information contained in the schedule packet, such a probability does not rise to a level of being obvious in view of the cited references. For at least this reason, Applicants respectfully traverse any rejection of the claims 1, 12 and 18 over the previously cited prior art.

Additionally, with respect to time slots and data channels in which new links can be reserved and on which nodes will be listening, acknowledged in the Office Action to be missing from *Meier '436*, *Shepard* and *Meier '619*, the Office cites *Aaronson et al.* as disclosing time slots and data channels. The Office indicates that the methods recited in *Aaronson et al.* provide “dramatic increases in the efficient use of spectrum” and could be combined with the other recited references. However, it seems clear from consideration of the references that there is no compatibility between the methods recited in *Shepard* and *Aaronson et al.* The application of the synchronous protocol, that allows for the time slots and data channels of *Aaronson et al.*, would not be compatible with the self-organizing channel management system that provides for collision-free packet transfers.


If the proposed modification would render the modified prior art reference to be unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). We propose to assert that *Shepard* and *Aaronson et al.* are not compatible and that any attempted combination of those references would render some of the essential teachings of those references unsatisfactory for its intended purpose. For this additional reason, Applicants respectfully traverse any rejection of the claims 1, 12 and 18 over the previously cited prior art. That traversal would, of course, also apply to rejections of claims 2-11, 13-17 and 19-23, if any such rejections were proffered.

As such, Applicants respectfully assert that any rejection of claims 1-4, 6-15 and 17-23 over the art of record would be improper. Thus, Applicants respectfully request the allowance of all claims and request that the application be allowed to proceed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Kevin F. Turner
Registration No. 43,437

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

KFT:lls

Enclosures: Revocation and New Power of Attorney